

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA.

Plaintiff,

V.

LIOBANY SERRANO LUNA,

Defendant

CASE NO. CR19-173 RSM

ORDER CONTINUING STATUS CONFERENCE

THIS COURT having considered the record in this matter, the parties' positions as stated in the status hearing held June 3, 2021, and the General Orders of the United States District Court for the Western District of Washington addressing measures to reduce the spread and health risks from COVID-19, incorporated herein by reference, hereby FINDS as follows:

1. In light of the recommendations made by the Centers for Disease Control and Prevention (CDC) and Public Health for Seattle and King County regarding social distancing measures required to stop the spread of COVID-19, it is not possible at this time to proceed with a jury trial in this matter.

1 2. Due to the conditions of the pandemic, the Court's most recent General Order
2 continues most criminal jury trials through at least June 30, 2021. *See* General
3 Order 04-21. On May 17, 2021, the Court resumed in-person jury trials on a
4 limited basis. Through at least the end of June, only one jury trial will be
5 permitted to occur in the Seattle courthouse at a time, and those trials have already
6 been scheduled.

7 3. The parties have reached a plea agreement in this case and a change of plea
8 hearing has been scheduled for June 11, 2021 at 11:00 a.m. With the defendant's
9 agreement, the Court will continue the status conference to allow the defendant
10 time to enter the plea and avoid unnecessarily setting a trial date that would
11 stricken upon the entry of a plea.

12 4. For the foregoing reasons, the Court finds that the failure to grant a continuance of
13 the trial date in this case would result in a miscarriage of justice. *See* 18 U.S.C.
14 § 3161(h)(7)(B)(i). The failure to grant a continuance would deny defense counsel
15 the reasonable time necessary for effective preparation, taking into account the
16 exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). Accordingly,
17 pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of justice
18 served by continuing the status conference and trial in this case outweighs the best
19 interest of the public and the defendant in a speedier trial.

20 5. The Court continues to find that the defendant's entry of a guilty plea by
21 videoconference cannot be further delayed without serious harm to the interests of
22 justice. The defendant's case has been pending since October 9, 2019, and he has
23 been detained pending trial. If he chooses to enter a guilty plea, as he has
24 indicated that he intends to do, the interests of justice demand that he be allowed
25 to do so expeditiously. With in-person jury trials resuming in this District, it
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1 remains important to limit the number of people assembling in the courthouse at
2 any given time. At this moment, it is unknown when in-person guilty plea
3 hearings will resume. Therefore, the Court has continued to authorize remote
4 guilty plea hearings via videoconference in accordance with the CARES Act. *See*
5 GO 06-21.
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7 6. The Court incorporates its oral findings and conclusions as stated during the June
8 3rd status conference.

9 IT IS THEREFORE ORDERED that the status conference is continued to July 15,
10 2021 at 10:00 am. The status conference will be stricken upon Mr. Serrano Luna's entry of a
11 guilty plea.

12 IT IS FURTHER ORDERED that the period time from May 25, 2021, up to and
13 including the new status conference date of July 15, 2021, shall be excludable time pursuant
14 to 18 U.S.C. § 3161.

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16 Dated this 4th day of June, 2021.



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19 RICARDO S. MARTINEZ
20 CHIEF UNITED STATES DISTRICT JUDGE

21 Presented by:

22 /s/ Jessica M. Manca
23 JESSICA M. MANCA
24 Assistant United States Attorney

25 /s/ Nicholas Marchi (per Email approval)
26 NICHOLAS MARCHI
27 Counsel for Liobany Serrano Luna